

TCM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 14 AM 10:44

UNITED STATES OF AMERICA,

Plaintiff,

v.

Noe ARAGON-Larios,

Defendant

Magistrate Docket No.

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF DEPUTY

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **July 12, 2008** within the Southern District of California, defendant, **Noe ARAGON-Larios**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF JULY 2008

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Noe ARAGON-Larios

TKM

PROBABLE CAUSE STATEMENT

On July 12, 2007, at approximately 4:00 p.m., Border Patrol Agent A. R. Calderon was performing his assigned uniformed patrol duties near Otay Mesa, California. Agent Calderon observed several individuals crawling through a hole in the secondary border fence near an area known as the "670." This area is approximately one mile east of the Otay Mesa, California Port of Entry and fifty yards north of the United States/Mexico international boundary.

As Agent Acosta drove his marked service vehicle to the area, he observed the individuals face down and crawling through tall grass. Agent Acosta approached the individuals and identified himself as a United States Border Patrol Agent. Agent Acosta then questioned the individuals as to their nationality and country of citizenship, and each, including one later identified as the defendant **Noe ARAGON-Larios**, admitted to being citizens and nationals of Mexico without any immigration documents allowing them to enter or remain in the United States legally. At approximately 4:10 pm, Agent Acosta placed the seven individuals, including the defendant, under arrest and had them transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on April 9, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.